
TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #17-394

DIGEST

Amends [140 IAC 4-4-9](#), concerning driving skills test for waiver, by deleting the sentence prohibiting an instructor of a driver's education program from administering the driving skills test to that instructor's students. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[140 IAC 4-4-9](#)

SECTION 1. [140 IAC 4-4-9](#) IS AMENDED TO READ AS FOLLOWS:

[140 IAC 4-4-9](#) Driving skills test for waiver

Authority: [IC 9-14-8-3](#); [IC 9-24-10-4](#)

Affected: [IC 9-24-10-4](#); [IC 9-27-6-6](#); [IC 9-27-6-11](#)

Sec. 9. (a) A school that participates in the waiver program shall offer to administer a driving skills test to each of its students. The student must pass the driving skills test to qualify for a waiver. ~~The instructor administering the driving skills test must not be the same instructor who provided the behind-the-wheel training to that student.~~

(b) All schools that participate in the waiver program shall use the driving skills test score sheet prescribed by the bureau to evaluate and score the driving skills test.

(c) The original signatures of:

- (1) the instructor who conducted the classroom training;
- (2) the instructor who conducted the behind-the-wheel training; and
- (3) the instructor who administered the driving skills test;

must appear on the driving skills test score sheet for it to be valid. The instructor who conducted the driving skills test shall note on the score sheet whether the student passed or failed the test.

(d) A person's waiver privilege expires when the person's learner's permit expires.

(e) Every school shall retain score sheets at the school's location for at least two (2) years and shall present the score sheets to the bureau upon request.

(f) Students shall take the driving skills test independently except as otherwise required by law and without unfair assistance from the instructor.

(Bureau of Motor Vehicles; [140 IAC 4-4-9](#); filed Nov 12, 1998, 3:00 p.m.: 22 IR 971; readopted filed Nov 16, 2004, 12:25 p.m.: 28 IR 1315; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); filed Oct 7, 2008, 10:23 a.m.: [20081105-IR-140080215FRA](#); readopted filed Nov 3, 2014, 1:43 p.m.: [20141203-IR-140140375RFA](#); filed Nov 25, 2014, 3:50 p.m.: [20141224-IR-140140292FRA](#))

[Notice of Public Hearing](#)

Posted: 10/11/2017 by Legislative Services Agency
An [html](#) version of this document.